

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Oliver	Team: Squad #13	CCRB Case #: 201900098	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/12/2018 8:00 AM	Location of Incident: 14th Precinct stationhouse	Precinct: 14	18 Mo. SOL 2/12/2020	EO SOL 2/12/2020	
Date/Time CV Reported Thu, 12/27/2018 3:46 PM	CV Reported At: Other City agency	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 01/03/2019 10:57 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Debra Davis	05720	895350	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Debra Davis	Off. Language: Police Officer Debra Davis made remarks based on § 87(2)(b) s gender identity.	
B.POF Debra Davis	Off. Language: Police Officer Debra Davis made remarks based on § 87(2)(b) s mental health.	

### **Case Summary**

On December 27, 2018, § 87(2)(b) called 311 and was transferred to IAB, where she filed this complaint. On January 3, 2018, the CCRB received the complaint via IAB log #19-0045.

On August 12, 2018, at approximately 8:00 a.m., § 87(2)(b) who is homeless and identifies as a transgender woman, entered the 14<sup>th</sup> Precinct stationhouse in Manhattan to file a complaint about a stolen backpack. PO Debra Davis of the 14<sup>th</sup> Precinct escorted § 87(2)(b) to the complaint room inside of the stationhouse and allegedly used incorrect pronouns to refer to § 87(2)(b) (Allegation A: Offensive Language; § 87(2)(g) and called § 87(2)(b) “stupid” and “retarded” (Allegation B: Offensive Language; § 87(2)(g) No arrest or summons resulted from this incident.

There is no video evidence in this case.

### **Findings and Recommendations**

#### **Allegation (A) Offensive Language: Police Officer Debra Davis made remarks based on § 87(2)(b)'s gender identity.**

It is undisputed that § 87(2)(b) entered the 14<sup>th</sup> Precinct stationhouse and filed a complaint with PO Davis regarding stolen items. § 87(2)(g)

§ 87(2)(b) stated that PO Davis walked her into a room inside of the stationhouse to take her complaint (BR 01). § 87(2)(b) was wearing black high-top boots, tight fitting black jeans, and a colorful shirt. She believed she was dressed “femininely.” Upon entering the room, PO Davis said, “Sit down, Sir.” PO Davis called § 87(2)(b) “sir” multiple times during their interaction. PO Davis’ use of the incorrect honorific confused § 87(2)(b) and made her nervous, but she never corrected PO Davis. As PO Davis filled out § 87(2)(b)’s complaint regarding the stolen items, § 87(2)(b) provided her NYC ID, which lists her gender as “female.” § 87(2)(b) hoped PO Davis would notice the gender on the ID, and that the information would curb her use of the incorrect identifier. However, PO Davis continued to refer to § 87(2)(b) as “sir” during the interaction and days later, when § 87(2)(b) received a copy of the complaint, her gender was listed as “male” on the report.

PO Davis had no independent recollection of the incident (BR 02). Generally, when a civilian’s perceived gender is different than what is listed on documents provided, or different than how a civilian identifies, officers refer to the civilian using the pronouns or identifiers that the civilian prefers. PO Davis explained that officers will refer to the individual as they have requested in conversation, but that all information listed on police documents comes from the official documents the individual provides. PO Davis could not recall what form of identification § 87(2)(b) provided during their conversation, nor could she recall what information was listed on the document. PO Davis never addressed § 87(2)(b) using male pronouns or honorifics after viewing an ID that listed her gender as female, and she did not recall using incorrect pronouns to refer to a transgender female on the date of the incident. PO Davis identified herself as the EEO Liaison for the 14<sup>th</sup> Precinct, and said she has had specific training on how to address civilians in regards to their gender identity.

Sgt. Mahepath, who is listed on § 87(2)(b)'s complaint report as the approving supervisor was not present for the incident, as he was the Patrol Supervisor on the incident date and was on patrol at the time the incident occurred (BR 03). Sgt. Mahepath's role as the approving supervisor is to read the narrative of the report and assure that the classification of the report matches the narrative. He stated that his name listed on the report does not imply that he was present for the incident or interacted with the individual who filed the report. Sgt. Mahepath never observed PO Davis using incorrect gender pronouns towards § 87(2)(b) or another individual on the date of the incident. He never observed PO Davis misgendering an individual that day. Sgt. Mahepath could not speak to PO Davis' training as an EEO Liaison. Sgt. Mahepath stated that procedurally, officers do not ask the gender of civilians, and will use what is listed on their documents to draft reports. He also stated that if an individual prefers to be referred to by a gender that is different than what their documents state, an officer would procedurally use the preferred gender of the individual on the report, regardless of what their documents indicate.

§ 87(2)(g)

[REDACTED]

**Allegation (B) Offensive Language: Police Officer Debra Davis made remarks based on § 87(2)(b)'s mental health.**

§ 87(2)(b) stated that prior to filing her complaint, she spent the night with another homeless individual, who stole her backpack. At the stationhouse, when she attempted to provide a narrative regarding the stolen backpack, PO Davis stated that her items were not stolen, but that she had misplaced her backpack, and that she was responsible for losing the items. PO Davis then stated that something was "wrong" with § 87(2)(b) mentally, and that she must be "stupid," "retarded," and "delusional." § 87(2)(b) did not respond to these statements because she did not want to incite an argument, as PO Davis was already confrontational, and would not allow her to provide a statement about what occurred with her backpack.

As stated above, PO Davis had no recollection of the incident, and no details provided regarding the interaction refreshed her memory in regards to the incident. PO Davis never referred to § 87(2)(b) as "stupid," "delusional," or "retarded." She never commented on § 87(2)(b)'s mental health during their interaction, and stated that it was not in her character to behave in that way professionally or personally.

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 04).
- PO Davis has been a member-of-service for 29 years, and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On April 25, 2019, a Notice of Claim inquiry was submitted. Its results will be added to the case file upon receipt (BR 06).

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date